

Exhibit A

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

MATTHEW MUCKEY,

Plaintiff,

v.

THE PHILHARMONIC-SYMPHONY
SOCIETY OF NEW YORK, INC., AND
ASSOCIATED MUSICIANS OF GREATER
NEW YORK, LOCAL 802, AMERICAN
FEDERATION OF MUSICIANS,

Defendants.

Case No. 24-cv-03348-AS

[rel. 1:24-cv-03356-AS, 1:24-cv-03987-AS]

**DEFENDANT THE PHILHARMONIC-SYMPHONY SOCIETY OF NEW YORK, INC.’S
CHART IDENTIFYING ELEMENTS NOT PLAUSIBLY ALLEGED IN
PLAINTIFF’S COMPLAINT**

Pursuant to Section 8(G)(i) of the Judge’s Individual Practices in Civil Cases, Defendant The Philharmonic-Symphony Society of New York, Inc. (the “Society”) submits the following chart identifying the claim elements not plausibly pleaded, as supporting paper to its Motion to Dismiss Plaintiff’s Amended Complaint. This chart does not address additional deficiencies raised in the Society’s supporting Memorandum of Law, including federal preemption and exhaustion of administrative remedies.

Claim Against Society	Elements of Claim	Elements Not Plausibly Pleaded
<u>Count 2</u> Violation of § 301 of the LMRA, 28 U.S.C. § 185, Breach of the Collective Bargaining Agreement (FAC ¶¶ 250–73)	1. Employer breached the collective bargaining agreement; 2. Union violated its duty of fair representation through arbitrary, discriminatory, or bad-faith conduct; and 3. Causal connection between union’s misconduct and plaintiff’s injury.	All elements.

Claim Against Society	Elements of Claim	Elements Not Plausibly Pleaded
<u>Count 4</u> Violation of Title VII of the Civil Rights Act of 1964, 28 U.S.C. § 2000e-2, Sex Discrimination (FAC ¶¶ 274–93)	1. Plaintiff was a member of a protected class; 2. Plaintiff was qualified for the job; 3. Plaintiff suffered an adverse employment action; and 4. The adverse employment action occurred under circumstances giving rise to an inference of discrimination.	Element 4.
<u>Count 6</u> Violation of the New York State Human Rights Law, N.Y.S. Executive Law § 296, Sex Discrimination (FAC ¶¶ 303–14)	1. Plaintiff is a member of a protected class; 2. Plaintiff was qualified to hold the position; 3. Plaintiff was subject to an unfavorable change or treated less well than other employees; and 4. The unfavorable change or different treatment occurred under circumstances giving rise to an inference of discrimination.	Element 4.
<u>Count 8</u> Violation of the New York City Human Rights Law, N.Y.C. Admin. Code § 8-107, Gender Discrimination (FAC ¶¶ 324–35)	1. Plaintiff is a member of a protected class; 2. Plaintiff was qualified to hold the position; 3. Plaintiff was subject to an unfavorable change or treated less well than other employees; and 4. The unfavorable change or different treatment occurred under circumstances giving rise to an inference of discrimination.	Element 4.

Dated: June 9, 2025

Respectfully submitted,

/s/ Ashley R. Lynam

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